

# United States District Court District of Massachusetts

DUDLEY MORRIS,  
Petitioner,

v.

CIVIL ACTION NO. 10-12143-NMG

GARY RODEN, ETC.,  
Respondent.

## ***REPORT AND RECOMMENDATION ON RESPONDENT'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS AS TIME-BARRED (#7)***

COLLINGS, U.S.M.J.

The petition in the instant case was filed on December 13, 2010. Four grounds for habeas relief are set forth in the petition. The first is that petitioner's trial counsel was ineffective because he failed to request an instruction as to consensual entry as a defense to the crime of home invasion.

(#1 at 6) The second is that the trial judge's instructions on that issue deprived

*After consideration of petitioner's objection thereto, Report and  
Recommendation accepted and adopted. S/Sr/Gorton, 9/26/11*